

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
MITCHELL, SOUTH DAKOTA**

**September 17, 2018
6:00 P.M.**

PRESENT: Dan Allen, Marty Barington, John Doescher, Kevin McCardle, Steve Rice,
Dan Sabers, Jeffrey Smith, Susan Tjarks

ABSENT:

PRESIDING: Mayor Bob Everson

AGENDA:

Moved by Tjarks, seconded by Allen, to approve the following items on the consent agenda:

- a. City Council Minutes
 1. City Council Minutes September 4, 2018.
- b. Committee Meeting Minutes
 1. Planning Commission August 27, 2018, and
 2. Public Health & Safety September 4, 2018.
- c. Department Reports
 1. Finance (August),
 2. Sales Tax Collections (August),
 3. Building Permits (August),
 4. Police (August),
 5. Fire (August),
 6. EMS (August),
 7. Fire & EMS Combined (August),
 8. Mowing (June),
 9. Mowing (July),
 10. Mowing (August),
 11. Mowing and Nuisance Update Report (September), and
 12. Airport (August).
- d. Raffle Permits
 1. First Circuit CASA with the drawing to be held on September 28 and September 29, 2018, and
 2. Moose Lodge #875 with the drawing to be held on December 31, 2018.
- e. Change Order #1 for Hanson-Wallace Utility Improvements City Project #2018-2 decreasing the contract amount by \$15,057.14 for quantity installation was different than planned quantities contracted to Premier Contracting, LLC., adjust contract amount to \$171,371.41.
- f. Change Order #1 for Waste Water Pumping Station Schedule "C"-City Project #2017-12 decreasing the contract amount by \$500.00 to split out material cost and

labor costs that were ordered as per the plans contracted to DW Proehl Construction, adjust contract amount to \$8,000.00.

g. DWU request Tiger logo on City Sidewalk for a Fundraiser.

Country Pride Coop	Requested	Bid	Price per	Total Bid
	<u>Gallons</u>	<u>Gallons</u>	<u>Product</u>	
On Road Diesel-#2	2,100	2,100	\$2.72	\$ 5,712.00
Off Road Diesel -#2	5,400	5,400	\$2.44	\$13,176.00
	Total Bid:			\$18,888.00

Howes Oil Company Inc.	Requested	Bid	Price per	Total Bid
	<u>Gallons</u>	<u>Gallons</u>	<u>Product</u>	
On Road Diesel-#2	2,100	2,100	\$2.6625	\$ 5,591.25*
Off Road Diesel -#2	5,400	5,400	\$2.3875	\$12,892.50*
	Total Bid:			\$18,483.75*

Howes Oil was the low bidder for the items marked with an asterisk.

i. Pay Estimates 09-17-18

Pay Estimate #8 in the amount of \$15,466.21 for Corn Palace Plaza #2016-18 contracted to SPN & Associates,

Pay Estimate #10 in the amount of \$64,527.00 for Burr Street-City Portion #2016-26A contracted to T&R Contracting Inc.,

Pay Estimate #2 in the amount of \$39,727.87 for East Hanson & S Wallace Watermain #2018-2 contracted to Premier Contracting, LLC.,

Pay Estimate #6 in the amount of \$7,522.85 for Sidewalk Schedule "A" #2018-4 contracted to Top Grade Concrete,

Pay Estimate #2 in the amount of \$270.00 for 512 N Main Demo (Jitters) #2018-8 contracted to L.L. Jirsa Architect,

Pay Estimate #1-Final in the amount of \$7,600.00 for Jitters Asbestos Removal #2018-8A contracted to Horsley Specialties, Inc.,

Pay Estimate #6 in the amount of \$4,260.07 for Curb & Gutter Schedule "A" #2018-14 contracted to Colwell Concrete Inc.,

Pay Estimate #4 in the amount of \$1,000.00 for East Havens Watermain Loop #2018-25 contracted to SPN & Associates,

Pay Estimate #3 in the amount of \$770.88 for Old Landfill Monitoring #2018-28 contracted to WSP, and

Pay Estimate #4 in the amount of \$599.88 for New Landfill Monitoring #2018-29 contracted to WSP.

j. Approve Bills, Payroll, Salary Adjustments and New Employee Hires and

Authorize Payment of Recurring and other expenses in advance as approved by the Finance Officer

PAYROLL AUGUST 12, 2018 – AUGUST 25, 2018: City Council \$3,016.00, Mayor \$1,255.00, City Administrator \$4,658.42, Attorney \$3,871.18, Finance \$13,058.56, Human Resources \$3,382.92, Municipal Building \$3,707.64, Information Technology \$2,453.28, Police \$66,372.59, Traffic \$4,953.04, Fire \$45,013.84, Street \$28,879.38, Public Works \$19,524.86, Cemetery \$5,014.72, Animal Control \$1,423.52, Emergency Medical Services \$10,925.51, Library \$13,709.03, Recreation & Aquatics \$9,334.07, Recreation Center \$16,955.17, Sports Complexes \$10,396.46, Parks \$15,454.83, Supervision \$5,010.23, E911 \$23,138.90, RSVP \$5,523.97, Palace Transit \$17,683.08, JVCC \$1,466.25, Nutrition \$983.76, Water Distribution \$7,782.87, Sewer \$12,969.14, Airport \$2,248.63, Waste Collection \$11,752.70, Landfill \$8,431.87, Corn Palace \$27,493.98, Golf Course \$8,373.48, Campground \$1,822.80.

NEW HIRES:

RECREATION CENTER: Madison Krall-\$9.35, Peyton Peterson-\$9.35, Madelynn Henglefelt-\$9.35, Morgan Schutte-\$9.35.

CORN PALACE: John Guffey-\$11.35, Elliana Kisor-\$8.85.

LIBRARY: Sarah Bartunek-\$9.35.

POLICE: Judith Gair-\$14.00.

E911: Hannah Willis-\$17.794.

SALARY ADJUSTMENTS:

FIRE: Justin Adams-\$18.993.

STREET: Craig Fuerst-\$23.664, Steve Anderson-\$28.108.

POLICE: Spencer Morgan-\$10.85, George Breidenbach-\$14.00, Marlene Schafer-\$14.00, Frank Schafer-\$14.00, Charles Wolff-\$14.00, Pam Wolff-\$14.00, Bill Cochrane-14.00, Bev Thompson-\$14.00, Jessica Long-\$14.00, Mary Kelly-\$14.00, Logan Crown-\$23.062, Ryan Erickson-\$32.214.

LIBRARY: Sandra Spanos-\$27.088.

CORN PALACE: Berkleigh Eldeen-\$9.85.

COMMUNITY SERVICES: Einar Petersen-\$17.148.

PUBLIC WORKS: Wade London-\$23.076.

WARRANTS: A-OX Welding Supply, Supplies-\$1,564.95; Accounts Management, Training-\$361.62; Acts, Registration-\$395.00; AFSCME Council 65, Union Dues-\$589.50; Airside Solutions, Supplies-\$1,342.93; Al Jacklin, Supplies-\$73.00; American Fence, Repair-\$3,767.00; American Garage Door, Supplies-\$1,279.16; Ameripride Services, Supplies-\$339.80; Aqua-Pure, Supplies-\$2,875.00; Avera Occupational Medicine, Contract Service-\$1,634.82; Avera Queen of Peace Hospital, Supplies-\$107.94; B & L Communications, Professional Service-\$370.00; B-Y Water District, August Usage-\$101,839.66; Bailey Metal Fabricators, Repairs-\$2,303.90; Baker & Taylor, Books-\$1,815.73; Becker Arena Products, Supplies-\$36.50; Bender's Sewer Cleaning, Repairs-\$705.00; Better Containers, Supplies-\$270.10; Big Daddy D's, Contract Services-\$3,780.00; Blackstone Publishing, Advertising-\$34.95; Books by Terrall, Books-\$208.83; Bound Tree Medical, Supplies-\$131.56; Break Time Portables, Rentals-\$355.30; Builders Firstsource, Supplies-\$140.00; BX Civil & Construction, Deposit-\$1,500.00; C & B Operations, Supplies-\$186.92; Calvin Hegg, Supplies-\$25.00; Campbell Supply, Supplies-\$1,005.41; Carquest Auto Parts, Supplies-\$9.99; Casey Tegethoff, Travel-\$89.00; CDW Government, Supplies-\$1,924.76; Center Point Large Print, Books-\$89.28; Century Link, Utilities-\$134.29; City of Mitchell, Utilities-\$8,234.65; Coborn's, Contract Services-\$585.00; Coca Cola Bottling, Supplies-\$3,346.80; Colwell Concrete, 2018-14A P.E. #6-\$6,353.11; Commercial Asphalt/Spencer Quarries, Supplies-\$12,929.36; Core-Mark Midcontinent, Supplies-\$6,909.33; Corn Palace, Game Money Revenue-\$6,830.09; County Fair, Supplies-\$351.47; County Fair, Contract Services-\$500.00; Dakota Fluid Power, Repair-\$2,770.60; Dakota Pump, Supplies-\$16,614.46; Darrington Water Conditioning, Rentals-\$84.50; David Sarne, Travel-\$94.08; Davison County Register of Deeds, Copies-\$7.00; Davison Rural Water Systems, Utilities-\$75.40; Dean Knippling, Reimbursement-\$14.99; Demco, Supplies-\$189.68; Department of Social Services, Child Support-\$1,275.22; Dice Benefits Consulting, August Fees-\$510.00; Dick's Body Shop, Repairs-\$553.87; Dick's Towing, Police Tow-\$505.00; Doug's Custom Paint & Body, Supplies-\$42.40; Douglas County Ambulance, Supplies-\$1,200.00; Dug Out, Contract Services-\$768.25; Evident, Supplies-\$149.65; Farm & Home Publishers, Books-\$217.22; Farmers Alliance, Supplies-\$1,791.18; Fastenal, Supplies-\$121.29; Findaway World, Supplies-\$722.30; Forum Communications, Advertising-\$9,031.15; Gale, Books-\$194.16; Gaylen's Homegrown Popcorn, Supplies-\$2,958.60; Gillespie Outdoor Power, Supplies-\$47.54; Grey House Publishing, Books-\$414.00; Happy Memories Band, Contract Services-\$150.00; Harve's Sport Shop, Supplies-\$11.90; Health Communications, Alcohol Task Force-\$743.70; Henry Schein, Supplies-\$382.47; Horsley Specialties, 2018-8A P.E. #1 Final-\$7,600.00; Howes Oil, Supplies-\$18,483.75; Ingram Library Services, Books-\$160.43; Innovative Office Solution, Supplies-\$794.07; Integrity Transcription, Transcribing Service-\$517.55; Interstate Glass & Door, Supplies-\$436.99; Interstate Office Products, Supplies-\$149.59; James Valley Landscape Solutions, Supplies-\$1,624.68; JCL Solutions, Supplies-\$1,183.53; Jeri

Mickelson, Reimbursement-\$105.00; Jessica Pickett, Renewal-\$165.00; John Bumgardner, Supplies-\$10.00; Jones Supplies, Supplies-\$1,379.01; Karl's, Supplies-\$255.83; Kimball-Midwest, Supplies-\$304.19; Kiplinger Letter, Renewal-\$184.00; KJRV FM, Advertising-\$750.00; KXRB-AM, Advertising-\$1,700.00; Lakeview Veterinary Clinic, Supplies-\$1,503.51; Language Line Services, Professional Services-\$12.28; Larry Jirsa, 2018-8 P.E #2-\$270.00; Larry's I-90 Service, Service-\$1,023.35; M & T Fire and Safety, Supplies-\$177.00; Make It Mine Designs, Supplies-\$75.00; Mark Reif, Travel-\$54.60; McLeod's Printing, Supplies-\$1,700.10; Mega Wash, Repairs-\$ 8.00; Menard's, Supplies-\$1,037.54; Messerli & Kramer, Garnishment-\$284.12; Meyers Oil, Supplies-\$7,735.94; Michael Todd & Company, Supplies-\$2,861.79; Michaels Fence & Supply, Supplies-\$77.99; Midcontinent Communications, Utilities-\$99.39; Midcontinent Communication, Advertising-\$1,450.00; Midwest Turf & Irrigation, Supplies-\$277.01; Minnesota Valley Testing, Lab-\$108.00; Mitchell Area Chamber of Commerce, 2018 Funding-September-\$5,417.00; Mitchell Area Convention Visitors Bureau, 2018 Funding-September-\$17,333.00; Mitchell Athletic Booster, Sports Authority Promotion-\$1,000.00; Mitchell Iron & Supply, Supplies-\$94.06; Mitchell Plumbing & Heating, Supplies-\$92.57; Mitchell Power Equipment, Supplies-\$7.50; Mitchell Technical Institute, 2018 Workstudy-\$410.06; Mitchell Telecom, Utilities-\$2,494.40; Mitchell United Way, United Way Deductions-\$177.67; Motorola Solutions, Upgrade-\$5,038.24; Mr. Golf Car, Supplies-\$4,000.00; Mueller Lumber, Supplies-\$4,920.00; Naeir, Supplies-\$101.75; Napa Auto Parts, Supplies-\$405.17; North Central Seed, Supplies-\$450.00; Northern Balance & Scale, Repair-\$568.50; Northwestern Energy & Communications, Utilities-\$56,412.98; Olsen Auction Service, Contract Services-\$200.00; One Source, Background Checks-\$141.00; Parkston Boom's Restaurant, Contract Services-\$3,170.25; Patrick Marler, Travel-\$89.00; Patzer Woodworking, Supplies-\$6.56; Pepsi Cola, Supplies-\$813.02; Porta Pros, Rental-\$5,095.00; Porter Distributing, Supplies-\$2,125.60; Postal Solutions, Publishing-\$2,033.78; Premier Contracting, 2018-2 P.E#2-\$39,727.87; Premier Pest Control, Contract Services-\$175.00; Qualified Presort, Mailing Service-\$652.08; Ramada Mitchell, Travel-\$3,252.18; Ramkota Hotel Watertown South Dakota, Travel-\$203.98; RDJ Specialties, Supplies-\$1,659.12; Reader's Den, Books-\$29.98; Recorded Books, Supplies-\$345.98; Ron's Bicycle and Locksmith, Supplies-\$120.00; S & M Printing, Supplies-\$55.00; Saga Communications, Advertising-\$1,405.00; Saga Communications of South Dakota, Advertising-\$2,412.00; Santel Communications, Utilities-\$251.16; Satcom Global, Utilities-\$42.75; Schmucker Paul & Nohr, 2016-18 P.E. #8-\$16,466.21; Scholastic, Books-\$100.00; Scholastic Library Publish, Books-\$152.10; Scoreboard Pub & Grille, Supplies-\$420.00; Scott Supply, Repairs-\$73.55; South Dakota DCI, Testing-\$86.50; South Dakota Department of Environment & Natural Resources, August Fees-\$2,956.38; South Dakota Department of Health, Lab-\$782.00; South Dakota Department of Revenue, Title & Registration-\$26.20; South Dakota Department of Transportation, Supplies-\$734.00; South Dakota Federal Property Agency, Supplies-\$169.50; South Dakota Retirement System, Retirement Contributions-\$48,410.69; South Dakota-Supplemental Retirement, Supplemental Retirement

Contributions-\$3,037.66; South Dakota-Supplemental, Roth 457 Contributions-\$425.00; South Dakota Planners Association, Registration-\$80.00; Sherwin-Williams, Supplies-\$256.06; Shopko Stores Operating, Supplies-\$25.98; Sign Pro, Repairs-\$820.00; Sioux Falls Two-Way Radio, Repair-\$679.90; Sturdevant's Auto Parts, Supplies-\$553.72; Subway, Meals-\$38.74; Sun Gold Sports, Supplies-\$1,244.65; Swiftel Communications, Supplies-\$612.00; T & R Contracting, 2016-26A P.E. #10-\$64,527.00; Tessier's, Repairs-\$3,755.69; Thomas L Price, Professional Service-\$700.00; Thomson Reuters-West, August Charges-\$642.76; Thune True Value Hardware, Supplies-\$326.02; Ticketforce, Usage Fees-\$2,249.50; TK Electric, Repairs-\$3,032.38; TMA Stores, Repair-\$50.34; Top Grade Concrete, 2018-4A P.E. #6-\$7,522.85; Tractor Supply Credit Plan, Supplies-\$239.98; Transource, Supplies-\$834.00; Turfwerks, Repair-\$357.29; Tyler Technologies, Maintenance-\$1,155.00; United Parcel Services Store #4227, Shipping-\$368.73; US Foods, Supplies-\$300.53; United States Postal Service, Postage-\$75.33; Verizon Wireless, Utilities-\$1,789.08; Vern Eide Chevrolet Buick, Repair-\$180.53; Walmart, Supplies-\$121.56; Wheelco Brake & Supply, Supplies-\$67.51; Wholesale Electronics, Supplies-\$59.26; Wright Brothers Aviation, Maintenance Contract-\$500.00; WSP, 2018-28 P.E. #3-\$1,370.76; Young Grave Service, Supplies-\$200.00; Zimco Supply, Supplies-\$1,210.00; South Dakota State Treasurer, Sales Tax-\$22,078.51; Library, Fines-\$360.69; US Bank, 2013 Norway Lift Station-SRF-\$9,058.30; Wage Works, Flex Expense-\$3,576.57; Wellmark of South Dakota, Administration, Prescriptions Drugs, Medical Expenses,-\$378,013.97; Golf, Deposit Books-\$175.29.

Members present voting aye: Allen, Barington, Doescher, McCardle, Rice, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried.

CITIZENS INPUT:

Mayor Bob Everson stated that the Mitchell High School volleyball team is hosting the Mitchell City Council at the volleyball game on Thursday, September 20, 2018 at 7:00 p.m. at the high school.

Council Member Susan Tjarks invited the City Council and the public to an open house honoring the retirement of Bryan Hisel and to welcome Mitchell Chamber of Commerce executive director Mark Vaux and Mitchell Main Street and Beyond director Jared Indahl on Friday, September 21, 2018 from 3:00 p.m.-5:00 p.m. at the Mitchell Chamber of Commerce, 601 North Main, Mitchell.

COMMITTEE REPORT:

Traffic:

The Traffic Committee met at 6:00 p.m. on September 17, 2018 requesting the following items.

A request from Justin & Janelle Thiesse to lower the speed limit from 35 mph to 25 mph on

Rowley Street to Spruce Street was tabled to the December Traffic meeting.

A request from Dan Beukelman to change 2nd, 3rd and 4th streets from the current configuration to be two-way streets from Lawler to Minnesota Street during the upcoming North Sanborn construction project and to re-evaluate the change in Traffic Commission before the end of construction as to whether to leave it the same or change it back was approved.

A request from Dakota Wesleyan University Physical Plant to add a crosswalk from Koka Hall across to Dakota Hall and paint the curbs yellow in five locations on the west side of Dakota Hall was approved.

Moved by Allen, seconded by McCardle, to approve the Traffic report. Motion carried.

HEARINGS:

It was advised that this is the date and time set for hearing on the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for September 21, 2018 for an event. Notice of hearing has been given and affidavit of publication is on file. Moved by Tjarks, seconded by Allen, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for September 22, 2018 for an event. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Barington, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for September 28, 2018 for an event. Notice of hearing has been given and affidavit of publication is on file. Moved by Rice, seconded by Tjarks, to approve said application. Motion carried.

It was advised that this is the date and time set for hearing on the application of Overtime Steakhouse & Sports Bar for a Special Event Liquor License located at the Overtime Event Center for September 29, 2018 for an event. Notice of hearing has been given and affidavit of publication is on file. Moved by McCardle, seconded by Barington, to approve said application. Motion carried.

BOARD OF ADJUSTMENT:

Moved by Rice, seconded by Barington, for the City Council to recess and sit as the Board of Adjustment. Motion carried.

SET DATES:

Moved by Rice, seconded by Allen, to set date for October 1, 2018 for hearing on the application of Carol Ragle for a conditional use permit/home occupation/homeopathic treatment located at 820 W 3rd Ave, legally described as Lot 11, Block 101, Lawler's 2nd Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential. Motion carried.

HEARINGS:

It was advised that this is the date and time set for hearing on the application of Tami Dammann for a conditional use permit /home occupation (pheasant cleaning business) at her home located at 412 N Foster St, legally described as Lot 1, Block 1, Bridles Acres Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. Notice of hearing has been given according to statute and affidavit of publication is on file. The Planning Commission recommended denial of said application. Moved by McCardle, seconded by Sabers, to approve said application with the following conditions: that the porta potty be removed and that the dumpster be removed by January 15 following each hunting season. Motion carried.

It was advised that this is the date and time set for hearing on the application of Andrew & Kyra Mentele for an oversize variance of 3,024 square feet vs 2,000 square feet as required in order to construct an accessory building located at 718 West Norway Ave, legally described as Lots 7, 8, and W 29' of Lot 9, Block 43, University Addition, City of Mitchell, Davison County, SD. The property is zoned R2 Single Family Residential District. The Planning Commission recommended approval of said application. Moved by Allen, seconded by Tjarks, to approve said application. Motion carried.

Moved by Rice, seconded by Barington, for the Board of Adjustment to adjourn and the City Council to reconvene in regular session. Motion carried.

CONSIDER APPROVAL:

Moved by McCardle, seconded by Doescher, to deny the request for approval of Agreement #A2018-26, Master Plan & Economic Impact Study for Lake Mitchell contracted to RDG Planning and Design. Motion carried with Rice and Tjarks voting nay.

Moved by Allen, seconded by Tjarks, to approve and authorize the Mayor to sign the Notice of Acceptability for the Corn Palace Plaza Project #2016-18 contracted to Rexwinkel Construction. Motion carried.

AWARD BID:

Bids were opened and read on the East Havens Watermain Loop City Project #2018-25 on the 6th of September, 2018 in the Council Chambers of City Hall. Moved by Rice, seconded by McCardle, to award the project, as follows:

EAST HAVENS WATERMAIN LOOP

CITY PROJECT#2018-25

Menning Backhoe, LLC, 25462 Cornerstone Avenue, Mitchell, South Dakota 57301.

Total Bid Schedule A: \$111,464.20

Motion carried.

PUBLIC HEARING:

It was advised that this is the time and place set for hearing on the Resolution Providing for Collection of Special Assessment Rolls for 2017 Construction Projects and 2017 Nuisance Abatements. Terry Johnson, Engineering Project Supervisor, reviewed the assessment roll. No testimony was heard from those in favor or those in opposition.

RESOLUTIONS:

Moved by Allen, seconded by Tjarks, to approve Resolution #R2018-47, Collection of Special Assessment Rolls for 2017 Projects and Nuisance Abatements, as follows:

**RESOLUTION # R2018-47 PROVIDING FOR COLLECTION
OF SPECIAL ASSESSMENT ROLLS FOR
2017 CONSTRUCTION PROJECTS AND
2017 NUISANCE ABATEMENTS
#2017- 4 SIDEWALK PROJECTS AND #2017 NUISANCE ABATEMENTS**

WHEREAS, Special Assessment Roll for the 2017 Construction Projects and 2017 Nuisance Abatements have been submitted by the Engineering Project Supervisor of Public Works to the City Council of the City of Mitchell for their approval.

WHEREAS, SDCL-9-43-29, 1981; requires the governing body of a municipality provide by resolution or ordinance whether said aforementioned special assessments and installments thereof shall be payable under Plan One, collection by the County Treasurer, or Plan Two, collection by the Municipal Finance Officer, and the number of annual installments into which said assessments shall be divided; and

WHEREAS, SDCL-9-43-13, 1981; requires the rate of interest that deferred installments shall bear be specified on that assessment roll.

The Special Assessments to be levied for payment of construction costs for the #2017-4 Sidewalk Project, if the total assessment is over one hundred dollars (\$100.00) shall be divided into five (5) annual installments each equal to one-fifth of the total amount assessed to each lot of tract listed in said Special Assessment Roll, and the collection thereof shall be according to Plan One, as provided by SDCL-9-43-29. The interest to be charged shall be 8%. If the construction costs for sidewalk is under one hundred dollars (\$100.00) payment shall be one (1) installment equal to the total amount assessed to each lot or tract listed in said Special

Assessment Roll and that the collections thereof shall be according to Plan One, as provided by SD-9-43-29.

The Special Assessments to be levied for payment of costs of 2017 Nuisance Abatement Projects shall be one (1) installment, equal to the total amount assessed to each lot or tract listed in said Special Assessment Roll, and the collection thereof shall be according to Plan One, as provided by SDCL-9-43-29. The interest to be charged shall be 8%.

The description of all lots and parcels of land to be assessed together along with the amount properly chargeable are shown on said Special Assessment Roll.

The Assessment Role shall be open for public inspection at the finance office in City Hall.

Motion carried and resolution declared duly adopted.

Moved by Smith, seconded by Rice, to approve Resolution #R2018-50, A Resolution Authorizing an Application for Financial Assistance, Authorizing the Execution and Submittal of the Application, and Designating an Authorized Representative to Certify and Sign Payment Requests, as follows:

RESOLUTION #R2018-50

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the **City of Mitchell** (the "City") has determined it is necessary to proceed with improvements to the City's wastewater system, including but not limited to the East Central Drainage Basin Storm Water and Sanitary Sewer Improvements Project, and the implementation of Non-Point Source Measures (the "Projects"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Projects and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") is being prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Projects,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed **\$3,575,000** for the East Central Drainage Basin Storm Water and Sanitary Sewer Improvements Project, and **\$356,000** for Non-Point Source Measures to the South Dakota Board of Water and Natural Resources for the Projects.

2. The City Administrator is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The City Administrator is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Projects.

Motion carried and resolution declared duly adopted.

Moved by Rice, seconded by Allen, to approve Resolution #R2018-52, A Resolution Authorizing an Application for Financial Assistance, Authorizing the Execution and Submittal of the Application, and Designating an Authorized Representative to Certify and Sign Payment Requests, as follows:

RESOLUTION #R2018-52

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the **City of Mitchell** (the "City") has determined it is necessary to proceed with improvements to the City's drinking water system, including but not limited to the East Central Drainage Basin Water System Improvements Project (the "Project"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") is being prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed **\$690,000** to the South Dakota Board of Water and Natural Resources for the Project.

2. The City Administrator is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The City Administrator is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Motion carried and resolution declared duly adopted.

Moved by Tjarks, seconded by McCardle, to approve Resolution #R2018-51, Hearing on the Petition to Vacate a Portion of an Alley Right-Of-Way Described as the North 60.02 Ft of the Alley in Block Nine (9), Van Ep's First Addition, City of Mitchell, Davison County, South Dakota, as follows:

**RESOLUTION NO. R2018-51
ON PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY**

WHEREAS, the petition and consent in writing of Joshua Phillips, Personal Representative of the Estate of Vicki L. Phillips; Lisa Swetson, Personal Representative of the Estate of Vicki L. Phillips, and Bob Everson, Mayor and on behalf of the City of Mitchell, respectfully in due and proper form, are requesting the Governing Body of the City of Mitchell to vacate the portion of an alley right-of-way, legally described as The North 60.02 feet of the alley in Block Nine (9), Van Ep's First Addition to the City of Mitchell, Davison County, South Dakota and the said alley right-of-way set forth below pursuant to statutes in such cases made, and provided, particularly SDCL 9-4-7, et. Seq. and the petitioners respectfully show and represent the following:

A portion of the alley right-of-way to be vacated is as follows:

The North 60.02 feet off the alley in Block Nine (9), Van Ep's First Addition to the City of Mitchell, Davison County, South Dakota.

WHEREAS, the petition was presented to the City Council of Mitchell, South Dakota, in a regular meeting assembled on the 17th day of September, 2018.

WHEREAS, This Council did thereupon consider said Petition and did find that said Petition and Consent in writing requesting and consenting to the vacation of said street was signed by all of the owners of the property abutting the alley sought to be vacated; and,

WHEREAS, This Council did, by proper motion, made, seconded and carried in regular meeting assembled on the 17th day of September, 2018 deem it proper and that the matter be proceeded with and did order that the said Petition be filed with the City Finance Officer and did order said Petition had been filed and that the same would be heard and considered by the Governing Body of the said City on 17th day of September, 2018 at 6:00 p.m., in the Chambers of the City Council of the City of Mitchell, South Dakota; and

WHEREAS, Said Council did meet to consider and hear said Petition on the 17th day of September, 2018 at the time and place specified in said Notice, and that the said Petition was

duly heard and considered by this Council, the Petitioners and consideration of those objecting were heard by Council were presented in regards to said Petition, writing or otherwise; and,

WHEREAS, This Council having duly heard and considered said Petition finds:

1. That due notice of the hearing of said Petition was given by the City Finance Officer by publication of a Notice thereof in the form as provided by law in the *Mitchell Daily Republic*, a newspaper, printed and published in the City of Mitchell, South Dakota, for two successive weeks, to-wit: August 24 and August 31, 2018.
2. That the Petitioners are the sole owners of all the property abutting the alley right-of-way requested to be vacated and have requested that the said right-of-way be vacated. Said owners having consented in writing to the vacation of said street and which consent is made part of the said Petition

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, South Dakota, in a regular meeting, on the 17th day of September, 2018, that said alley right-of-way identified as The North 60.02 feet of the alley in Block 9, Van Ep's First Addition to the City of Mitchell, Davison County, South Dakota hereby be vacated.

Motion carried and resolution declared duly adopted.

ORDINANCES:

Moved by Allen, seconded by Rice, to place Ordinance #O2018-09, 2019 Annual Appropriation Ordinance on second reading. Motion carried. Moved by Smith, seconded by Barington, to adopt Ordinance #O2018-09.

Members present voting aye: Allen, Barington, Doescher, McCardle, Rice, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried and ordinance declared duly adopted.

This ordinance will be published separately from these proceedings.

Moved by Rice, seconded by McCardle, to place Ordinance #O2018-10, Supplemental Appropriations on second reading. Motion carried. Moved by Tjarks, seconded by Allen, to adopt Ordinance #O2018-10, as follows:

**ORDINANCE NO. O2018-10
SUPPLEMENTAL APPROPRIATION ORDINANCE
CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA**

BE IT ORDAINED, BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, that the following sums be appropriated to authorize certain expenditures and to meet certain obligations for the year 2018 according to statute:

**GENERAL FUND
FIRE**

101-42200-43100	Satellite Station	\$32,235.00
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EMS

101-44600-43400	Ambulance Replacement	\$110,000.00
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The funding will come from the designated reserves of the General Fund cash balance.

SPECIAL REVENUE FUNDS

**PARK
RECREATION & AQUATICS**

201-45110-42850	Utilities-Aquatics	\$140.00
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RECREATION CENTER

201-45140-42800	Utilities	\$1,143.91
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The funding will come from a reimbursement of funds.

E-911

214-43500-42500	Repairs & Maintenance	\$8,600.00
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The funding will come from the E911 cash balance.

**CAPITAL PROJECT FUNDS
INDOOR SWIMMING POOL**

537-46500-43300	Construction	\$3,591.33
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The funding will come from a reimbursement of funds.

Members present voting aye: Allen, Barington, Doescher, McCardle, Rice, Sabers, Smith, Tjarks. Members present voting nay: none. Motion carried and ordinance declared duly adopted.

Moved by Rice, seconded by Tjarks, to place Ordinance #O2018-11, Amending MCC 5-4A-3(B) Regarding Alternative Waste Dropoff Sites on first reading. Motion carried.

ADJOURN:

There being no further business to come before the meeting, Mayor Everson adjourned the meeting.

Michelle Bathke
Michelle Bathke
Finance Officer

Published once at the approximate cost of _____.